

RULES AND POLICIES RE PROTECTING  
PERSONAL DATA IDENTIFIERS IN FILED DOCUMENTS AND TRANSCRIPTS

I

YOUR OBLIGATION TO PROTECT  
PERSONAL DATA IDENTIFIERS WHEN YOU FILE A DOCUMENT

Under [Rule 9037 of the Federal Rules of Bankruptcy Procedure](#), when you make a filing in a case, and that filing would otherwise show any of the following **personal data identifiers**:

- an individual's:
  - social-security number,
  - taxpayer-identification number, or
  - birth date;
- the name of an individual, other than the debtor, known to be and identified as a minor, or
- a financial-account number,

you are generally required to make the filing include only:

- (1) the last four digits of the social-security number and taxpayer-identification number;
- (2) the year of the individual's birth;
- (3) the minor's initials; and
- (4) the last four digits of the financial-account number.

Read [Rule 9037](#) for exceptions to this requirement.

II

PROTECTING PERSONAL DATA IDENTIFIERS IN COURTROOM PROCEEDINGS

Trials and hearings in bankruptcy cases (unless sealed) are open to the public, and exhibits received into evidence may be examined by the public. A cumbersome procedure exists to redact personal data identifiers listed in Rule 9037(a) from any transcript of a hearing or trial before the transcript is accessible electronically on the internet, and a motion for a protective order can be filed with respect to an exhibit received into evidence that contained any personal data identifier. But the better course is to avoid unnecessarily placing personal data identifiers in the court record in the first place.

Unless necessary, don't:

- ask a witness for,
- place in evidence a document that reveals, or
- make statements that reveal

any personal data identifiers:

- any individual's birth date (versus year of birth);
- more than the last four numbers of an individual's social security (or taxpayer-identification) number;
- the name of any individual identified as a minor (instead of using initials); or
- more than the last four digits of a financial account number.

### III

#### POLICY RE REDACTING PERSONAL IDENTIFIERS FROM TRANSCRIPTS

Responsibility to Review Transcript for Personal Data Identifiers. Prior to being made electronically available, transcripts must conform to Fed. R. Bankr. P. 9037(a). Once a prepared transcript is delivered to the clerk's office, the attorneys in the case are (or, where there is a self-represented party, the party is) responsible for reviewing it for the personal data identifiers required by Rule 9037(a) to be redacted, and providing the court reporter or transcriber with a statement of the redactions to be made to comply with the rules.

Seven-Day Deadline After Filing of the Transcript to Give Notice of Intent to Direct Redactions. Within seven calendar days of the delivery by the court reporter or transcriber of the official transcript to the clerk's office, each attorney must inform the court, by filing a Notice of Intent to Request Redaction with the clerk and serve a copy of the Notice on the transcriber. If no such Notice is filed within the allotted time, the court will assume redaction of personal data identifiers from the transcript is not necessary.

Twenty-one-Day Deadline to Submit List of Necessary Redactions. A party is to submit to the court reporter or transcriber, within 21 calendar days of the transcript's delivery to the clerk, or longer if a court so orders, a statement indicating where the personal data identifiers to be redacted appear in the transcript. The court reporter or transcriber must redact the identifiers as directed by the party. These procedures are limited to the redaction of the specific personal data identifiers listed in the rules. During the 21-day period, or longer if the court so orders, an attorney may move the court

for additional redactions to the transcript.

Electronic Posting of Transcript. The transcript will not be made available on the internet until the time for directing redactions has expired and the court has acted on any motion for additional time to be allowed to direct redactions. The court reporter or transcriber must, within 31 calendar days of the delivery of the transcript to the clerk of court, or longer if the court so orders, perform the requested redactions, and file a redacted version of the transcript with the clerk of court. The original unredacted electronic transcript will be retained by the clerk of court.

Effect of Policy. Nothing in this policy creates a private right of action. Nothing in this policy changes any rules or policies with respect to sealing or redaction of court records for any other purpose.

S. Martin Teel, Jr.  
United States Bankruptcy Judge  
May 29, 2009